

Application No.: 10/526,525
Filing Date: August 26, 2005

REMARKS

Applicants do not concede that the claimed subject matter lacks unity of invention. However, in order to facilitate examination of the claimed genetic constructs, Applicants elect the claims of Group III (claims 1-12 and claims 22-25). Applicants also elect the species of prokaryotic cell. All of the elected claims read on this species. Applicants also elect the poison/antidote systems of CcdA/CcdB and Kis/Kid without traverse. Applicants have elected two poison/antidote systems rather than one because the elected claims require that the toxic molecule encoded by the first nucleic acid be different from the toxic molecule encoded by the second nucleic acid (see independent claim 1). If the Examiner does not agree that election of two poison/antidote systems is necessary, Applicants then restrict their election to the CcdA/CcdB system. All of the elected claims are readable on the elected poison antidote systems.

Applicants note that claims 13-18 are methods drawn to using products recited in the elected composition claims. As such, once the elected claims are found to be allowable, Applicants request that method claims 13-18 be rejoined.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

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CONCLUSION

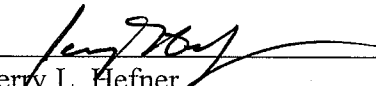
Applicants believe that all outstanding issues in this case have been resolved and that the present claims are in condition for allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is invited to contact the undersigned at the telephone number provided below in order to expedite the resolution of such issues.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: January 21, 2009

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